IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 1022 of 2005

Between:

Ch. Sivalingaiah, S/o. Sivalingaiah,
Nirmal, Adilabad, Adilabad District.

…..PETITIONER

AND

1 The Secretary, A.P. Public Service Commission,
Gruhakalpa, Hyderabad.
2 The Commissioner and Director of Intermediate Education, A.P., Hyderabad.
3 The Government of A.P. Rep by its Secretary, Higher Education Department, Secretariat, Hyderabad.
4 The Government of A.P., rep by its Secretary, General Administration Department, Secretariat, Hyderabad.
5 P. Satyanarayan Reddy, S.G. Teacher, G.P.S. Kalsumpura, Asifnagar Mandal, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction one in the nature of Writ of Mandamus declaring that the orders passed in O.A.No. 6092 of 2004 dated 8-11-2004 on the file of A.P. Administrative Tribunal is illegal and set aside the same.

Counsel for the Petitioner:MR.M.SURENDER RAO

Counsel for the Respondent No.1: Mr. M.Vijaya Kumar

Counsel for respondent No.2: None appeared.

Counsel for respondent Nos. 3 & 4: GP FOR SERVICES II

Counsel for respondent No.5: Mr. M.Subba Reddy.

The Court made the following :

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O R D E R: (PER GB.J)

1) This writ petition is filed challenging the order passed by the Andhra Pradesh Administrative Tribunal in O.A.No.6092 of 2004, dated 08.11.2004.

2) The matter relates to the appointment of the petitioner to the post of Junior Lecturer in Government Junior College, in Post Code No.7. The petitioner herein appeared for the written test and participated in the interview. Ultimately, the result

was declared by the Andhra Pradesh Public Service Commission to the effect that he was successful in the selection process, result was also published and the same was communicated to the petitioner, directing him to furnish his original certificates for verification. At that point of time, the 5th respondent herein filed O.A.No.6092 of 2994 before the Tribunal, stating that as he secured more marks than the petitioner, he has to be given appointment as Junior Lecturer in Zone-7. By order, dated 08.11.2004, the Tribunal allowed the O.A., against which, the present writ petition has been filed.

3) The only grievance of the petitioner is that he was not made as a party before the Tribunal and by virtue of the order passed by the Tribunal, his selection is now being sought to be cancelled. Therefore, the order of the Tribunal is liable to be set aside.

4) Heard the learned counsel for the petitioner and the learned counsel for the respondents.

5) As the petitioner was not made as a party before the Tribunal and by virtue of the order of the Tribunal, his selection is now being sought to be cancelled, we are of the view that the order of the Tribunal is not sustainable. Hence, the order under challenge is set aside and the matter is remitted back to the Tribunal for fresh consideration. The petitioner shall get himself impleaded as party respondent before the Tribunal

5) The Tribunal shall hear the parties concerned and pass appropriate orders within a period of six weeks from the date of receipt of a copy of this order.

6) The writ petition is accordingly allowed of. No costs.

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G.BIKSHAPATHY.J.,

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P.S.NARAYANA.J.,

Dt.15.03.2005

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To

1. The Secretary, Andhra Pradesh Public Service Commission, Gruhakalpa, Hyderabad.
2. The Commissioner & Director of Intermediate Education, Andhr Pradesh, Hyderabad.
3. Secretary, Government of Andhra Pradesh, Higher Education Department, Secretariat, Hyderabad.
4. Secretary, Government of Andhra Pradesh, General Administration Department, Secretariat, Hyderabad.
5. The Government Pleader for Services-II, High Court of Andhra Pradesh, Hyderabad. (OUT)

6) 2 C.D.Copies.